

Remarks

The Office Action mailed April 6, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-15, 17-50 and 52-54 are now pending in this application. Claims 1-53 stand rejected. Claims 16 and 51 have been canceled. Claim 54 has been newly added. No new matter has been added.

The objection to Claims 1-50 for certain informalities is respectfully traversed. Claims 1, 17 and 25 have been amended as suggested by the Office Action. The remaining claims were objected to because they depended upon independent Claims 1 and 25. Accordingly, Applicant respectfully submits that the objection to Claims 1-50 for certain informalities be withdrawn.

The rejection of Claims 1-3, 18, 21-22 and 51 under 35 U.S.C. § 102(e) as being anticipated by DeFrancesco et al. (U.S. Pat. No. 6,587,841) ("DeFrancesco") is respectfully traversed.

Applicant respectfully submits that DeFrancesco does not describe or suggest the claimed invention, as amended. As discussed below, at least one of the differences between DeFrancesco and the present invention is that DeFrancesco neither describes nor suggests a global vendor financing server that automatically processes a credit application for a customer that includes a *pricing module capable of generating a price for providing the vendor financing requested in the credit request*, and a *documentation module capable of generating electronic financing documents including a terms document* setting forth terms and conditions of the vendor financing being offered to the customer by the vendor, and *audit documents* for tracking the vendor financing to satisfy audit requirements. (Emphasis added.)

Notably, DeFrancesco does not describe, teach or even mention a *pricing module capable of generating a price for providing the vendor financing requested in the credit request*. Rather, DeFrancesco describes distributing transactional costs associated with the processing and routing of the credit application between the dealer and the bank. (Col. 6, lines 11-18.) DeFrancesco

does not describe generating a price for actually providing vendor financing. Applicant respectfully submits that distributing transactional costs associated with the processing and routing of a credit application between an auto dealer and a bank as described in DeFrancesco does not describe or teach generating a price for providing the vendor financing requested in the credit request.

In addition, DeFrancesco does not describe or suggest *generating electronic financing documents including a terms document* setting forth terms and conditions of the vendor financing being offered to the customer by the vendor, and *audit documents* for tracking the vendor financing to satisfy audit requirements. Rather, in DeFrancesco, an auto dealership enters customer information into a credit application and electronically submits it to a bank for consideration. In DeFrancesco, the system does not generate the financing documents, but rather, merely processes credit applications. Notably, DeFrancesco does not even mention generating audit documents.

Moreover, at least one other difference between DeFrancesco and the present invention is that DeFrancesco neither describes nor suggests *a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request, the push services module further capable of transmitting the list of additional products to the customer.* (Emphasis added.)

Notably, DeFrancesco does not describe, teach or even mention a push services module configured to perform the tasks recited in the currently pending claims.

DeFrancesco describes a centralized credit application entry and routing system which accepts applications from automotive dealerships, and selectively forwards them to funding sources. (Col. 8, line 65 – Col. 9, line 5). The system sends the application directly to the funding sources credit application processing system bypassing the need for the funding source to manually enter the application. (Col. 9, lines 25-30). The system receives funding decisions from the funding sources (see Abstract). The funding decisions are forwarded to a remote application input and display device (see Abstract). A dealer is able to quickly see the pending applications and their decisions from the funding sources to which the applications were sent

(see column 14, lines 7-13). The system also provides for secure access to the credit application and routing system, facilitating multiple levels of security. (Col. 5, lines 49-51).

Claim 1 recites a global vendor financing server that automatically processes a credit application for a customer, the server includes “a network interface module capable of securely communicating with a vendor computer over a computer network including receiving a credit request from the customer for vendor financing and transmitting a credit level for the credit request...a credit bureau interface module capable of communicating with first and second credit bureaus, where the communicating comprises receiving credit information from at least one of the first and second credit bureaus, and where the first and second credit bureaus provide credit information for different countries...a scoring module capable of determining a credit level for the customer as a function of the credit request and the credit information...a pricing module capable of generating a price for providing the vendor financing requested in the credit request...a documentation module capable of generating electronic financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the customer by the vendor, and audit documents for tracking the vendor financing to satisfy audit requirements...and a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request, the push services module further capable of transmitting the list of additional products to the customer.”

DeFrancesco does not describe nor suggest the global vendor financing server recited in Claim 1. More specifically, DeFrancesco does not describe nor suggest a global vendor financing server that automatically processes a credit application for a customer that includes a *pricing module capable of generating a price for providing the vendor financing requested in the credit request*, and a *documentation module capable of generating electronic financing documents including a terms document* setting forth terms and conditions of the vendor financing being offered to the customer by the vendor, and *audit documents* for tracking the vendor financing to satisfy audit requirements. (Emphasis added.)

Moreover, DeFrancesco neither describes nor suggests a *push services module capable of generating a list of additional products when the determined credit level for the customer*

exceeds the credit request, the push services module further capable of transmitting the list of additional products to the customer. (Emphasis added.)

Rather, DeFrancesco describes a system that accepts credit applications from automotive dealerships, selectively forwards them to funding sources to receive funding decisions, and allows a dealer to quickly see the decisions. DeFrancesco does not describe, teach or even mention a pricing module capable of generating a price for providing the vendor financing requested in the credit request. Rather, DeFrancesco describes distributing transactional costs associated with the processing and routing of the credit application between the dealer and the bank. (Col. 6, lines 11-18.) DeFrancesco does not describe generating a price for actually providing vendor financing.

In addition, DeFrancesco does not describe or suggest generating electronic financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the customer by the vendor, and audit documents for tracking the vendor financing to satisfy audit requirements. Rather, in DeFrancesco, an auto dealership enters customer information into a credit application and electronically submits it to a bank for consideration. In DeFrancesco, the system does not generate the financing documents, but rather, merely processes credit applications. Furthermore, DeFrancesco does not even mention generating audit documents.

Moreover, DeFrancesco does not describe, teach or even mention a push services module configured to perform the tasks recited in Claim 1. Accordingly, Applicant respectfully submits that Claim 1 is patentable over DeFrancesco.

For at least the reasons set forth above, Applicant respectfully submits that Claim 1 is patentable over DeFrancesco.

Claims 2-3, 18 and 21-22 depend from independent Claim 1. When the recitations of Claims 2-3, 18 and 21-22 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-3, 18 and 21-22 likewise are patentable over DeFrancesco.

Claim 51 has been canceled.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-3, 18, 21-22 and 51 be withdrawn.

The rejection of Claims 4-17, 19-20, 23-50 and 52-53 under 35 U.S.C. § 103(a) as being anticipated by DeFrancesco et al. (U.S. Pat. No. 6,587,841) ("DeFrancesco") in view of Zeanah et al. (U.S. Pat. No. 5,933,816) ("Zeanah") is respectfully traversed.

DeFrancesco is described above. Zeanah describes a delivery system and method that allows a financial institution to provide financial services to a plurality of remote devices, such as personal computers, personal data assistants, and screen phones. In addition to providing services to these remote devices, the system and method provide services to automatic teller machines (ATMs), external service providers, and internally within the financial institution to staff terminals and to the individual branches of the financial institution. The delivery of financial services is not limited to any particular network but rather may be provided through dial-in access, Internet access, on-line service provider access, or other types of delivery networks. The system is comprised of a set of reusable global components which are modular and are organized into services sets. By separating the components of the system into independent components, the system and method can be developed and tested on a component level rather than the entire system level, thereby substantially reducing the development and maintenance cycle time. The system and method operate in sessions and, for instance, employ a dialog component for gathering information from a customer, a rule broker component for providing answers to the various legal and regulatory rules in a particular country, a language man component for selecting appropriate language, a transaction executor component for performing transactions, and a presentation manager component for formatting outputs to the customer. The system and method provide state-of-the art interfaces with interface components and support legacy applications with legacy app bridge components.

Claim 16 has been canceled. Claims 4-15, 17, 19-20 and 23-24 depend from Claim 1. Claim 1 has been recited herein above. Neither DeFrancesco nor Zeanah, considered alone or in combination, describe or suggest the global vendor financing server recited in Claim 1. More

specifically, as discussed above, DeFrancesco does not describe nor suggest a global vendor financing server that automatically processes a credit application for a customer that includes a pricing module capable of generating a price for providing the vendor financing requested in the credit request, and/or a documentation module capable of generating electronic financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the customer by the vendor, and audit documents for tracking the vendor financing to satisfy audit requirements. Moreover, DeFrancesco neither describes nor suggests a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request, wherein the push services module is further capable of transmitting the list of additional products to the customer.

Zeanah describes a delivery system and method that allows a financial institution to provide financial services to a plurality of remote devices, such as personal computers, personal data assistants, and screen phones. Zeanah, however, does not describe or suggest a global vendor financing server that automatically processes a credit application for a customer that includes a pricing module capable of generating a price for providing the vendor financing requested in the credit request, a documentation module capable of generating electronic financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the customer by the vendor, and audit documents for tracking the vendor financing to satisfy audit requirements, and/or a push services module capable of generating a list of additional products when the determined credit level for the customer exceeds the credit request, wherein the push services module is further capable of transmitting the list of additional products to the customer. Because neither DeFrancesco nor Zeanah describes or suggest one or more of the claimed elements, it follows that a combination of DeFrancesco and Zeanah cannot describe or suggest such elements. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over DeFrancesco in view of Zeanah.

When the recitations of Claims 4-15, 17, 19-20 and 23-24 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 4-15, 17, 19-20 and 23-24 likewise are patentable over DeFrancesco in view of Zeanah.

Claim 25 recites a method of automatically processing a vendor financing credit application in a global vendor finance computer, the method includes “receiving a vendor financing credit application via a computer network from a vendor computer, where the vendor financing credit application indicates at least an asset to be financed as part of a vendor financing, an entity desiring the asset and a vendor offering the asset...transmitting a first credit request to a first credit agency, where the first credit request indicates at least the entity and the first credit agency is selected from a plurality of credit agencies that provide credit information for different countries...receiving a first credit response from the first credit agency indicating credit information of the entity...generating a first credit level as a function of the first credit response and the vendor financing credit application...generating a price for providing the vendor financing as a function of the first credit level and the vendor financing application...generating electronic financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the entity by the vendor, and audit documents for tracking the vendor financing to satisfy audit requirements...generating a list of additional products when the first credit level for the entity exceeds the first credit request...and transmitting the list of additional products to the entity for consideration by the entity.”

Neither DeFrancesco nor Zeanah, considered alone or in combination, describe or suggest the method of automatically processing a vendor financing credit application recited in Claim 25. More specifically, Claim 25, as herein amended, recites a method of automatically processing a vendor financing credit application that includes steps essentially similar to those steps performed by the global vendor financing server recited in Claim 1. Thus, it is submitted that Claim 25 is patentable over DeFrancesco in view of Zeanah for reasons that correspond to those given with respect to Claim 1. Accordingly, it is further submitted that Claim 25 is patentable over DeFrancesco in view of Zeanah.

Specifically, neither DeFrancesco nor Zeanah, considered alone or in combination, describe or suggest a method that includes *generating a price for providing the vendor financing* as a function of the first credit level and the vendor financing credit application, *generating electronic financing documents including a terms document* setting forth terms and conditions of the vendor financing being offered to the entity by the vendor, and *audit documents* for tracking

the vendor financing to satisfy audit requirements, *generating a list of additional products when the first credit level for the entity exceeds the first credit request*, and/or *transmitting the list of additional products to the entity for consideration by the entity*.

Rather, DeFrancesco describes a system that accepts credit applications from automotive dealerships, selectively forwards them to funding sources to receive funding decisions, and allows a dealer to quickly see the decisions; and Zeanah describes a delivery system and method that allows a financial institution to provide financial services to a plurality of remote devices, such as personal computers, personal data assistants, and screen phones. Accordingly, for at least the reasons set forth above, Claim 25 is submitted as patentable over DeFrancesco in view of Zeanah.

For at least the reasons set forth above, Applicant respectfully submits that Claim 25 is patentable over DeFrancesco in view of Zeanah.

Claims 26-50 depend from independent Claim 25. When the recitations of Claims 26-50 are considered in combination with the recitations of Claim 25, Applicant submits that dependent Claims 26-50 likewise are patentable over DeFrancesco in view of Zeanah.

Claim 52 recites a method of marketing financial services using a vendor financing computer system, the method includes “receiving a vendor financing application via a computer network from a vendor computer, where the vendor financing application indicates at least an asset to be financed as part of a vendor financing, a customer desiring the asset and a vendor offering the asset...transmitting a credit request to a credit agency wherein the credit request indicates at least the customer and a requested credit level, the first credit agency is selected from a plurality of credit agencies that provide credit information for different countries...receiving a credit response from the credit agency indicating credit information of the customer...generating a credit limit as a function of the credit response and the vendor financing application...determining a difference between the credit limit and the requested credit level of the vendor financing customer...and providing an offer for a financial service to the customer via the computer system if the credit limit exceeds the requested credit level, where the financial service costs less than the difference, the offer is provided by using the computer to generate

financing documents including a terms document setting forth terms and conditions of the vendor financing being offered to the customer by the vendor.”

Claim 52, as herein amended, recites a method of marketing financial services that includes steps essentially similar to those recited in Claim 25. Thus, it is submitted that Claim 52 is patentable over DeFrancesco in view of Zeanah for reasons that correspond to those given with respect to Claim 25. Accordingly, it is further submitted that Claim 52 is patentable over DeFrancesco in view of Zeanah.

For the reasons set forth above, Claim 52 is submitted to be patentable over DeFrancesco in view of Zeanah.

Claim 53 depends from independent Claim 52. When the recitations of Claim 53 are considered in combination with the recitations of Claim 52, Applicant submits that dependent Claim 53 likewise is patentable over DeFrancesco in view of Zeanah.

In addition to the arguments set forth above, Applicant respectfully submits that the Section 103 rejection of Claims 4-17, 19-20, 23-50 and 52-53 is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify DeFrancesco using the teachings of Zeanah. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combinations. It is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte

Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

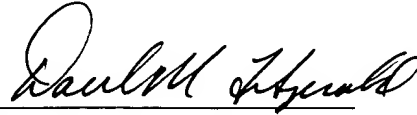
Neither DeFrancesco nor Zeanah, considered alone or in combination, describe or suggest the combination(s) in Claims 4-17, 19-20, 23-50 and 52-53. Rather, the Section 103 rejection of Claims 4-17, 19-20, 23-50 and 52-53 appears to be based on a combination of teachings selected from multiple references in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion for the combination of DeFrancesco and Zeanah, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason also, Applicant requests that the Section 103 rejection of Claims 4-17, 19-20, 23-50 and 52-53 be withdrawn.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 4-17, 19-20, 23-50 and 52-53 be withdrawn.

Newly added Claim 54 is an independent claim that recites a "global vendor financing server that automatically processes a credit application for a customer" wherein the server performs steps essentially similar to those recited in Claim 25. Thus, it is submitted that Claim 54 is patentable over DeFrancesco in view of Zeanah for reasons that correspond to those given with respect to Claim 25. Accordingly, it is further submitted that Claim 54 is patentable over DeFrancesco in view of Zeanah.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Daniel M. Fitzgerald", is written over a horizontal line.

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